

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

COY PHELPS,	)	
	)	
Petitioner,	)	
v.	)	Civil Action No. 05-40003-GAO
	)	
DAVID WINN, et al.	)	
	)	
Respondents.	)	

**MOTION FOR EXTENSION OF TIME TO  
ANSWER OR OTHERWISE RESPOND TO THE PETITION**

The United States respectfully moves this Court for an extension of time up to and including July 14, 2005, to answer or otherwise respond to the Petition in the above-captioned action.<sup>1</sup> As good cause therefor, the undersigned avers that the brief extension is needed in order for counsel to complete the factual research necessary to answer or otherwise respond to the allegations in the Petition. Accordingly, in order to provide the Court with an informed response to the Petition, this additional time is needed.

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<sup>1</sup> This Motion is not intended to be a responsive pleading. By the filing of this Motion, the United States is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. The United States intends to raise those defenses when it answers or otherwise responds to the Petition.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Damian W. Wilmot  
Damian W. Wilmot  
Assistant U.S. Attorney  
Moakley Federal Courthouse  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3398

Dated: May 17, 2005

CERTIFICATION UNDER L.R. 7.1

Because Petitioner is a pro se prisoner currently being treated in a federal medical facility, counsel for the United States respectfully requests leave to file this Motion without a 7.1 conference. It is the undersigned's position that because the Petitioner is pro se a 7.1 conference is unnecessary, as that Rule pertains to "counsel."

/s/ Damian W. Wilmot  
DAMIAN W. WILMOT  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that on May 17, 2005, I caused a copy of the foregoing Motion to be served on Petitioner by first class mail, postage pre-paid to Coy Phelps (78872-011), FMC-Devens, 42 Patton Road, P.O. Box 879, Ayer, MA 01432.

/s/ Damian W. Wilmot  
DAMIAN W. WILMOT  
Assistant U.S. Attorney